

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q96178

Toshihiko KAKU

Appln. No.: 10/589,251

Group Art Unit: 2851

Confirmation No.: 5712

Examiner: Not Yet Assigned

Filed: August 14, 2006

For: BACKGROUND REPLACING APPARATUS, BACKGROUND REPLACING  
PROGRAM, AND BACKGROUND REPLACING METHOD

**REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

**ATTN:** Office of Initial Patent Examination  
Filing Receipt Correction

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We enclose a copy of the Official Filing Receipt for the above-identified application and  
request the following correction(s):

**Domestic Priority data as claimed by applicant**

**This application is a 371 of PCT/JP2006/304764 03/10/2006**

Verification for the requested correction(s) is indicated on the Declaration filed August  
14, 2006.

Respectfully submitted,

/SMG/

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Steven M. Gruskin  
Registration No. 36,818

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: July 31, 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/589,251	08/14/2006	2851	3900	Q96178	41	9

CONFIRMATION NO. 5712

FILING RECEIPT



OC000000030365283

23373  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

DOCKETED

Date Mailed: 06/09/2008

JUN 10 2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Toshihiko Kaku, Kanagawa, JAPAN;

**Power of Attorney:** The patent practitioners associated with Customer Number 23373

**Domestic Priority data as claimed by applicant**

This application is a 371 of [PCT/JP06/04764 03/10/2006] PCT/JP2006/304764]

**Foreign Applications**

JAPAN 2005-067933 03/10/2005  
JAPAN 2005-069783 03/11/2005  
JAPAN 2005-071009 03/14/2005  
JAPAN 2005-095173 03/29/2005

**If Required, Foreign Filing License Granted:** 06/06/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/589,251**

**Projected Publication Date:** 09/18/2008

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Background Replacing Apparatus, Background Replacing Program, and Background Replacing Method

**Preliminary Class**

396

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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#### **NOT GRANTED**

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# DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 C.F.R. 1.63)

## 実用・意匠特許出願宣言書および委任状 (37 C.F.R. 1.63)

### Japanese Language Declaration

私は以下の通り宣言します：

各発明者の住所、郵送先、および国籍は下記氏名の後に記載された通りです。

下記名称の発明に関し請求範囲に記載され特許出願がされている発明内容につき、下記に記載された発明者が本来かつ最初の発明者であると信じます。

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☐ 上記発明の明細書は本書に添付されます。

または

☐ 上記発明は米国出願番号あるいはPCT国際出願番号 \_\_\_\_\_ (確認番号 \_\_\_\_\_) として \_\_\_\_\_ 年 \_\_\_\_ 月 \_\_\_\_ 日に提出され、 \_\_\_\_\_ 年 \_\_\_\_ 月 \_\_\_\_ 日に補正されました (該当する場合)。

私は補正が上に明示された場合は補正された特許請求範囲を含む前記明細書の内容を検討し、理解していることをここに表明します。

私は一部継続出願の場合先行出願の出願日から一部継続出願の国内あるいはPCT国際出願日までの期間中に入手された重要な情報を含み、37 C.F.R. 1.56に定義される特許性に肝要な情報について開示義務があることを認めます。

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BACKGROUND REPLACING APPARATUS,  
BACKGROUND REPLACING PROGRAM, AND  
BACKGROUND REPLACING METHOD

☐ the specification of which is attached hereto

OR

☒ was filed on March 10, 2006  
as United States Application Number or PCT  
International Application Number PCT/JP2006/304764  
(Confirmation No. \_\_\_\_\_),  
and was amended on \_\_\_\_\_  
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part application(s), material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

## Japanese Language Declaration

私は35 U.S.C. 119(a)-(d) あるいは (f), または365(b)に基づき特許、発明者、あるいは植物育種家証書の下記外国出願、または365(a)に基づきアメリカ合衆国以外の少なくとも1ヶ国を指定した下記PCT国際出願についての外国優先権特典をここに主張するとともに、下記項目にx印を付けることにより優先権を主張する出願以前の出願日を有する特許、発明者、あるいは植物育種家証書の外国出願またはPCT国際出願を示します。

Prior Foreign Application Number(s)  
先行外国出願番号

2005-067933	Japan
2005-069783	Japan
(Application Number)	(Country)
(出願番号)	(国名)
2005-071009	Japan
2005-095173	Japan
(Application Number)	(Country)
(出願番号)	(国名)

私は35 U.S.C. 119(e)に基づき下記の米国仮特許出願の国内優先権をここに主張します。

(Application Number)	(Filing Date)
(出願番号)	(出願日)
(Application Number)	(Filing Date)
(出願番号)	(出願日)

私は35 U.S.C. 120に基づき下記米国特許出願、あるいは365(c)に基づき米国を指定する下記PCT国際出願の利益をここに主張し、本特許出願内特許請求範囲の各項目の内容が35 U.S.C. 112の最初の項に規定される方法により先行米国あるいはPCT国際特許出願で開示されていない限りにおいて37 C.F.R. 1.56に定義される本出願の特許性に必要で、先行特許出願の出願日から本特許出願の国内あるいはPCT国際出願日までの期間中に入手された情報について開示義務があることを認めます。

Prior U.S. or International Application Number(s)  
先行米国あるいは国際出願番号

(Application Number)	(Filing Date)
(出願番号)	(出願日)
(Application Number)	(Filing Date)
(出願番号)	(出願日)

私は本宣言書内で私自身の知識に基づいてなされたすべての陳述が真実であり、情報および信ずるところに基づいてなされたすべての陳述が真実であると信じられていることをここに宣言し、さらに故意になされた虚偽の陳述等は18 U.S.C. 1001に基づき罰金あるいは拘禁または両方による処罰にあたり、またかような故意による虚偽の陳述はそれに基づく特許出願あるいは成立特許の有効性を危うくする可能性があることを認識した上でこれらの陳述をなしたことを宣言します。

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application(s) having a filing date before that of the application on which priority is claimed.

		Priority Claimed? 優先権の主張?	
		Yes	No
10/March/2005		<input checked="" type="checkbox"/> 有り	<input type="checkbox"/> 無し
11/March/2005		<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Filing Date)			
(出願日)			
14/March/2005		<input checked="" type="checkbox"/>	
29/March/2005		<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Filing Date)			
(出願日)			

I hereby claim domestic priority under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

I hereby claim benefit under 35 U.S.C. 120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge my duty to disclose any information material to the patentability of this application as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Status: patented, pending, abandoned)  
(状態: 特許成立済、係属中、放棄済)

(Status: patented, pending, abandoned)  
(状態: 特許成立済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

